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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/517,483

12/10/2004

Wittich Kaule

2732-150

6823

6449

7590

04/22/2008

ROTHWELL, FIGG, ERNST & MANBECK, P.C.

1425 K STREET, N.W.

SUITE 800

WASHINGTON, DC 20005

EXAMINER

LAVARIAS, ARNEL C

ART UNIT

PAPER NUMBER

2872

NOTIFICATION DATE

DELIVERY MODE

04/22/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTO-PAT-Email@rfem.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/517,483	KAULE, WITTICH	
	<b>Examiner</b>	<b>Art Unit</b>	
	Arnel C. Lavarias	2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-69 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-69 are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendments to Claims 3, 5-7, 10-22, 24-26, 30-34, 36, 38, 42-43, 45, 48, 50-66 in the preliminary amendment filed 12/10/04 are acknowledged and accepted.
2. The addition of Claims 67-69 in the preliminary amendment filed 12/10/04 is acknowledged and accepted.
3. The amendments to the abstract of the disclosure in the preliminary amendment filed 12/10/04 is acknowledged and accepted.
4. The substitute specification filed 12/10/04 has been entered because it conforms to 37 CFR 1.125(b) and (c).

### ***Election/Restrictions***

5. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group IA, Claim(s) 2-6, drawn to the method of Claim 1, further including particulars of a data record.

Group IB, Claim(s) 7-10, drawn to the method of Claim 1, further including particulars of a coordinate window.

Group IC, Claim(s) 11-14, 67, drawn to the method of Claim 1, further including particulars of the source and deflection used in the writing apparatus.

Group ID, Claim(s) 15-17, drawn to the method of Claim 1, further including particulars of the movement of the carrier with respect to the writing apparatus.

Group IE, Claim(s) 18, 20, 38, drawn to the method of Claim 1, further including particulars of the grating field.

Group IF, Claim(s) 19, 21-29, 31, drawn to the method of Claim 1, further including particulars of the grating elements.

Group IG, Claim(s) 30, drawn to the method of Claim 1, further including particulars of defining a sequence of working fields.

Group IH, Claim(s) 32, drawn to the method of Claim 1, further including particulars of the writing paths.

Group Ii, Claim(s) 33, drawn to the method of Claim 1, further including particulars of a data processing system.

Group IJ, Claim(s) 34-35, drawn to the method of Claim 1, further including particulars of a radiation-sensitive material.

Group IK, claim(s) 36-37, drawn to the method of Claim 1, further including particulars of the use of metallization and a metallic mold.

Group II, Claim(s) 39-42, drawn to the method of Claim 39, further including particulars of determining the grating elements, the coordinates of which lie within a predetermined coordinate window; and defining a sequence of working fields, in which the writing apparatus is moved relative to a carrier, on which is located a substrate to be inscribed.

Group III, Claim(s) 43-45, drawn to the apparatus of Claim 43, further including particulars of a device for determining at least one grating element, which completely lies within one working field; a device for determining a sequence of working fields, in which the grating elements are to be produced by means of the writing apparatus; and a device for defining the motion path of at least one of the writing apparatus or the carrier, on which is disposed a substrate to be inscribed, so that the working fields are successively moved to and the grating elements lying in the respective working field can be produced.

Group IVA, Claim(s) 47, drawn to the apparatus of Claim 46, further including particulars of the grating elements.

Group IVB, Claim(s) 48-50, drawn to the apparatus of Claim 46, further including particulars of the grating field.

Art Unit: 2872

Claim 1 links Groups IA, IB, IC, ID, IE, IF, IG, IH, Ii, IJ, and IK. Claim 46 links Groups IVA, and IVB. Claims 51-53, 55-56, 58-59, 61-63, 65, 68 will be examined along with the elected invention only if one of Groups IA, IB, IC, ID, IE, IF, IG, IH, Ii, IJ, and IK is elected. Claims 54, 57, 60, 64, 66, 69 will be examined along with the elected invention only if one of Groups IVA or IVB is elected.

6. The inventions listed as Groups IA, IB, IC, ID, IE, IF, IG, IH, Ii, IJ, IK, II, III, IVA, and IVB do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

For each of Groups IA, IB, IC, ID, IE, IF, IG, IH, Ii, IJ, IK, II, III, IVA, and IVB, each of the listed groups has special technical features not required for the other groups. The special technical features exclusive to each group are listed above in the listing of the groups.

7. A telephone call was made to George R. Repper (202-783-6040) on 4/14/08 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arnel C. Lavarias whose telephone number is 571-272-2315. The examiner can normally be reached on M-F 10:00 AM - 6:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephone B. Allen can be reached on 571-272-2434. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Arnel C. Lavarias  
Primary Examiner  
Group Art Unit 2872  
4/14/08

/Arnel C. Lavarias/  
Primary Examiner, Art Unit 2872